



Legislation Details (With Text)

File #: 22-0791
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 5/3/2022 **Final action:** 5/3/2022
Title: REQUEST PLAT APPROVAL FOR HIGHPOINTE PUD PHASE 1 (C148-010)
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2022_3025_C148-010_Contract_to_Complete.pdf, 2. 2022_0325_C148-010_Surety.pdf, 3. 2021_1013_C148-009_Engineer_Cost_Est_APPROVED.pdf, 4. 2022_0325_C148-010_Approved_Phase1_Site_Plan.pdf, 5. 2022_0325_C148-010_Master_Site_Plan.pdf, 6. 2022_0325_C148-010_ApplicationMaterials.pdf, 7. 2022_0325_C148-010_Disclosure_of_Interest.pdf, 8. 2022_0325_C148-010_Sign_Affidavit.pdf, 9. HighpointePublicRoad.Resolution.pdf, 10. EX A - CM 001_5.pdf, 11. Resolution for Denial.pdf, 12. Supplemental_Memo.pdf, 13. SUPP MEMO.pdf, 14. 2022_0426_C148-010_Staff_Final.pdf, 15. 2022_0425_C148-010_Plat.pdf, 16. HIGHPOINTE SP_04-25-22.pdf, 17. 4-26-22 Highpoint PUD PAMP.pdf, 18. 2022_0411_C148-010_Contract_to_Complete.pdf, 19. 2022_0411_C148-010_Revised_Surety.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------------------|----------|--------|
| 5/3/2022 | 1 | Board of County Commissioners | approved | Pass |

PLACEMENT: Departmental - Quasi-Judicial

TITLE:
REQUEST PLAT APPROVAL FOR HIGHPOINTE PUD PHASE 1 (C148-010)

EXECUTIVE SUMMARY:

This is a request for Phase 1 plat approval for the Highpointe PUD (fka Pulte at Christ Fellowship). The final site plan for Phase 1 includes 94 single family lots and the associated infrastructure on approximately 175 acres of the 321-acre project. The Highpointe project is located on the east side of SW Pratt Whitney Road approximately one mile east of SW Kanner Highway in Stuart. Included with the application is a request for a Certificate of Public Facilities Exemption.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Peter Walden, AICP
Title: Deputy Growth Management Director

REQUESTED BY: Dan Sorrow, AICP, Coteleur and Hearing Land Planning

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The Highpointe Planned Unit Development (PUD) is a 321-acre residential development that includes 284 single family lots, community amenities and the associated infrastructure.

Phase 1 of the Highpointe PUD includes 94 single family lots, the main entrance, utility, lake and stormwater tracts and preserve area tracts. The proposed plat is consistent with the approved Phase 1 final site plan and the master site plan.

A review of plats is not required by the Local Planning Agency. Final action on this application is required by the Board of County Commissioners in a public meeting pursuant to Table 10.5.F.9, LDR, Martin County, Fla. (2019).

This application was continued from the April 19th BCC meeting. The supplemental memo attachments

Include the plat for phase 1 and a revised Phase 1 Final Site Plan and Revised PAMP for the Highpoint development. Technical changes have been made to the site plan and PAMP correcting numerical errors found during Plat review. The changes are not substantive and fall under Section 10.5.F.6.e.(2). LDR for review along with a plat application.

The following supporting items are attached:

Approved Master and Final Site Plans

Draft Contract and Surety

Engineers Opinion of Probable Cost

Application Materials

Disclosure of Interest

Sign Certification

Resolution to Rescind Board Action Regarding Public County Road

Draft Resolution of Denial

Supplemental Memo

Staff Report

Plat

Revised PAMP

Revised Draft Contract and Surety

ISSUES:

1. According to Commission Records, on August 10, 1925, the Board of County Commissioners (Board) declared the following a public county road:

“Beginning at a point in the center of the County road running North and south through Section Seventeen, Township Thirty nine south, Range Forty one east, midway between the northwest and the south west corner of Lot two, Section Seventeen, Township thirty nine, South of Range Forty one, East, thence east through the center of said lot two, thence east through the center of Lot one, Section seventeen, Township Thirty nine, south of Range Forty one East to the eastern boundary of said Lot one, a distance altogether of one half mile more or less, said lots one and two, being a subdivision of said Section seventeen according to recorded plat on file in the office of the Clerk of the Circuit Court of Palm Beach County, said road to be thirty feet wide.”

During review of the plat application, staff discovered a Commission Record declaring the

identified area to be a public county road. The right-of-way for this public county road was never dedicated to the County by the underlying landowner nor has it ever been an open road and no record of its existence is evidenced in the official public records. The current landowner, Christ Fellowship Church, Inc. is in the process of subdividing the property through the Highpointe Planned Unit Development Phase 1 Plat. In order to address any potential title issues, staff is recommending that the Board adopt a resolution that rescinds the previous declaration of this area as a public county road.

2. The plat is still undergoing review. The plat and the staff report will be provided by Supplemental Memorandum.

LEGAL SUFFICIENCY REVIEW:

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record.

RECOMMENDED ACTION:

RECOMMENDATION

1. Move that the Board receive and file the agenda item and its attachments including the staff report as Exhibit 1.
2. Move that the Board approve the Plat for Highpointe PUD Phase 1 and the Revised Final Site Plan with Revised PAMP including the revised Contract for Construction of Required Improvements and Infrastructure subject to a demonstration of compliance with all applicable regulations
3. Move that the Board adopt the Resolution to rescind the previous declaration of the identified area as public county road.

ALTERNATIVE RECOMMENDATIONS

Move that the Board continue the agenda item to a certain date.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$16,600.00 application fee and the \$290.00 sufficiency fee.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input checked="" type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input checked="" type="checkbox"/> Resolution |

Other:

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